

## DRUG-FREE SCHOOLS, COMMUNITY AND WORKPLACE POLICY

Pursuant to the Drug-Free Schools and Communities Act of 1986, 20 U.S.C. Sections 3171 et seq., as amended 20 U.S.C. Section 1145, and Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 701 et seq:

*Life University has adopted and implemented a program to prevent the use of illicit drugs and alcohol. The policy will be reviewed and amended as necessary.*

Life University has been, and continues to be, committed to the health and well-being of the members of its staff, faculty and student body, and other people who receive Life University services. Life University not only has a vested interest in the vitality of its employees, who administer and operate Life University's programs of education, research and service, but also in serving and promoting the advancement of the general health of our society.

Substance and alcohol abuse is dangerous to your health. For students, the use of alcohol and non-prescription drugs can affect the ability to excel academically and may adversely impact fellow students' performance. For employees, the use of alcohol and non-prescription drugs in the workplace can affect an employee's ability to perform satisfactorily, may affect other employees' performance, and may affect Life University's ultimate function and reputation. For these reasons and others, Life University requires participation from all students and employees to maintain a drug-free school and work environment.

*The unlawful manufacturing, distribution, dispensation, possession, or use of alcohol or a controlled substance in the schools and workplace is prohibited. This applies to University properties, functions, business and vehicles.*

### A. STANDARDS OF CONDUCT

1. The use, consumption and possession of any narcotic, dangerous drug or controlled substance on the University's property or as part of any of its activities, by any student or employee of Life University, for which the student or employee does not have a legal license or a valid prescription, is strictly prohibited. The unlicensed distribution or sale of any narcotic, dangerous drug or controlled substance by any student or employee of Life University on the University's property or as part of any of its activities is strictly prohibited.
2. The sale and consumption of alcoholic beverages on the campus, or as part of Life University's activities, is prohibited, except when special permission is granted for legal consumption of alcoholic beverages on certain occasions, at specified locations. An administrator at the level of President or higher must give specific permission for such consumption in writing.
3. The use of any funds of Life University including, but not limited to, student activities moneys, or any attempt to obligate such funds, for the use of consumption, possession, distribution or sale of alcoholic beverages is strictly prohibited, except when special permission is granted in writing by a Vice President of Life University.
4. If a unit or sub-unit of Life University or a recognized student organization holds a function off-campus where alcohol is to be served, the following rules and regulations must be observed:
  - a. There will be no functions where alcoholic beverages are the main focal point of the event. Any advertising for the function will not include specific references to the fact that alcoholic beverages will be provided.
  - b. Any activity that contributes to alcohol overindulgence or abuse is strictly prohibited.
  - c. At a student function, before anyone receives and consumes alcoholic beverages, a valid driver's license or other official identification that lists the age of that individual must be checked by a person designated by the student organization hosting the event to ensure that the individual is of legal drinking age. At all other functions, the sponsoring organization will take reasonable measures to ensure that all local and state laws regarding the consumption of alcohol are obeyed.

- d. At any function where alcohol is served, non-alcoholic beverages must be continuously available in equal or greater quantity. Food must also be available.
- e. No visibly intoxicated person shall be served alcohol at any function.
- f. If alcohol is to be served at a function of a student organization, the Dean of Student Services must be notified in writing in advance of such event that alcohol will be served at such event.
- g. If a function lasts two hours or more, the serving of alcoholic beverages must stop at least 45 minutes before the scheduled end of the activity.
- h. It is strongly encouraged that any organization that allows alcohol at its activities provide alternative transportation to any individual in attendance who has overindulged in alcohol.
- i. The Dean of Student Services may develop additional guidelines or explanations of this policy in order to assist students with understanding and complying with the policy. Furthermore, all provisions of the Life University Code of Conduct that refer to alcoholic beverages are in full force and effect and are not affected by any of the provisions of this policy.

## B. HEALTH RISKS

Illicit drugs can cause the following symptoms to occur in the user: hallucinations, confusion, loss of coordination, irrational behavior, lethargy, apathy, lowered resistance to other diseases such as hepatitis, exhaustion, depression, paranoia, psychosis, panic, tolerance, flashbacks, physical and psychological dependence, suicidal depression, heart problems, infections, malnutrition, damage to lungs, brain, liver and bone marrow, convulsions, respiratory paralysis, coma and death. In addition, withdrawal from drug use may be very painful. Smoking may cause destruction of nasal membranes and lung lesions. Depressants taken with alcohol are very dangerous. Illegal drugs can cause birth defects in a user's unborn child(ren).

Alcohol can cause health problems in the user such as cirrhosis of the liver, cancer of the oral cavity, stomach and esophagus damage, pancreatitis, nausea, digestive difficulty, heart disease, malnutrition, psychological disorders, gynecological and sexual problems, poor vision, memory loss, brain damage, and loss of coordination and sensation. In addition, alcohol consumption by a pregnant woman can have an adverse effect on the fetus and cause birth defects such as physical and mental growth deficiencies, abnormalities of eyes and lips, and behavioral problems.

National statistics reveal that the leading causes of death among the 18 to 23-year-old population are alcohol-related accidents, alcohol-related homicides and alcohol-related suicides. A high percentage of campus disorderly conduct, disruptive behavior, property destruction or academic failures on a national level are alcohol-related. In response to these disturbing facts, the Georgia Legislature has provided by law certain measures to reduce those dangers associated with alcohol abuse, including statutory provisions that no person below the age of 21 years may use, purchase or possess alcoholic beverages. Life University supports and endorses these provisions of state law and insists on strict compliance with these statutes by its students, staff, faculty and administrators at all levels. Life University also endorses the dissemination of educational materials that emphasize the problems associated with alcohol and drug abuse.

In discharge of its responsibility to inform and educate its students and employees with regard to the law in these respects, and to assist them in their strict compliance and obedience with federal and state laws, Life University herewith sets forth its policies regarding the use, consumption, possession or sale of alcoholic beverages and prohibited drug substances. These policies are in accordance with federal regulations under the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act.

## C. RECOVERY ASSISTANCE

Life University recognizes alcohol and drug abuse as treatable illnesses. Students and employees who are so diagnosed shall receive the same consideration and opportunity for treatment that is extended to those with other types of illness.

Students or employees who experience substance abuse problems should seek assistance from the Counsel-

ing Department of Life University. The Department can provide individuals with information regarding services available for recovery and will offer referral to the appropriate agencies or institutions as deemed necessary.

***The Alcoholics Anonymous Group meets on Mondays and Wednesdays at 12:00 p.m. in the Student Center. All students and employees are welcome to attend.***

## **D. ENFORCEMENT**

1. Adherence to these policies on alcohol and drugs shall be the individual and personal responsibility of each member of the student body, staff, faculty or administration of Life University.
2. Direct responsibility and accountability for the enforcement of these policies are imposed upon students, members of the staff, faculty or administrators of Life University who, in the course of their duties, participate in the arrangement, sponsorship or organization of institutionally sponsored events, whether or not they take place on property owned or leased by Life University.
3. Direct responsibility and accountability are imposed upon faculty advisors to student organizations approved by Life University, together with all elected and appointed officers thereof, to ensure strict compliance with these policies.
4. All approved student organizations must implement a self-monitoring system to ensure compliance with this policy. The officers of each organization will certify, in writing, to the office of the Dean of Student Services, that the organization is aware of and will comply with the provisions of this policy.
5. On occasion, faculty/staff advisors will be present to monitor student group/functions where alcohol is being used.
6. Advisors or advisory boards of all student organizations:
  - a. Must be familiar with the alcohol and drug policy and the sanctions for noncompliance.
  - b. Are required to report to the Dean of Student Services any cases of alcohol abuse, drug abuse or illegal distribution of alcoholic beverages or drugs.
7. Every member of the Life University community is encouraged to refer a student, staff member, administrator or faculty member with drug or alcohol problems to the Counseling Department of Life University.

## **E. SANCTIONS FOR VIOLATIONS OF THE ALCOHOL AND DRUG-FREE SCHOOLS, COMMUNITIES AND WORKPLACE POLICY**

Violations of this policy will result in sanctions consistent with local, state and federal law. Descriptions of these sanctions are as follows:

1. For faculty, staff members, administrators or other employees, violation of this policy on alcohol and drugs will result in immediate suspension without pay pending an investigation, and shall subject the violator to disciplinary action up to and including termination and referral to legal authorities for prosecution.
2. For students, violation of the policy on alcohol and drugs shall subject the offender to disciplinary action up to and including expulsion, as well as referral to legal authorities for prosecution.
3. The Counseling Department of Life University will make a student or employee who has a substance or alcohol problem aware of services available for recovery. The costs of whatever service(s) or program(s) are chosen by the student or employee shall be the responsibility of the student or employee. Neither Life University, nor any plan funded by Life University, will be responsible for payments or reimbursement for rehabilitation, except to the extent that the employee's health insurance plan covers such treatment.
4. Failure to avail oneself of the recommended services may result in immediate dismissal, if and when drug and alcohol abuse is substantiated. If the student or employee wishes to provide his or her own rehabilitation process, failure to furnish proof of utilizing a certifying provider and subsequent certification of recovery may also result in termination.

For students, any conviction for a violation of federal or state criminal drug statute(s) for an offense occurring at a Life University facility must be reported to the Dean of Student Services and a copy of the report sent to the Dean no later than five days after such conviction. Within ten days after receiving notice of any criminal drug statute conviction for a violation occurring in the schools/workplace, the Dean of Student Services will notify the student's advisor and the U. S. Department of Education of such conviction.

For faculty members, any conviction for a violation of federal or state criminal drug statute(s) for an offense occurring at a Life University facility must be reported to the Dean and the Vice President for Academic Affairs/ Academic Dean, and a copy of the report must be sent to the Human Resources Office no later than five days after such conviction. Within ten days after receiving notice of any criminal drug statute conviction for a violation occurring in the schools/workplace, the Dean will notify the Federal Funding Agency of such conviction.

For staff members, any conviction for a violation of federal or state criminal drug statute(s) for an offense occurring at a Life University facility must be reported to the Human Resources Office no later than five days after such conviction. Within ten days after receiving notice of any criminal drug statute conviction for a violation occurring in the schools/workplace, the Human Resources Office will notify the Federal Funding Agency of such conviction.

In addition to the foregoing sanctions, the following special sanctions may be imposed by the Dean of Student Services for the violation of the alcohol and drug policy by students or student organizations, in accordance with the protections and objectives set forth in this drug and alcohol policy:

1. Sanctions for groups or individuals:
  - a. Restitution must be made for any property damage that occurs.
2. Individual sanctions for violation by groups:
  - a. Social probation by the Dean of Student Services.
  - b. Assessment of financial penalties; these funds will be used for alcohol and drug awareness programs.
  - c. Freezing of funds if they are available.
  - d. Sanctions made by the governing bodies of these organizations, e.g., intramural councils, honors councils, fraternity and sorority councils, professional organizations, etc.
  - e. Reporting of activities to the national headquarters or offices of the organizations, if such exist.
  - f. Removal of officers from office.
  - g. Loss of University recognition and access to campus and support services.

## F. LEGAL SANCTIONS

The unlawful possession of or distribution of alcohol or illicit drugs is punishable under local, state and federal law. 41 U.S.C. § 702(a)(1)(A) and 20 U.S.C. § 1011i(A)(1)(B). The following lists provide a description of legal sanctions that may be imposed under federal and state law. These lists are not exhaustive and are provided by way of example only.

### FEDERAL LAW

Punishments for violation of federal laws with respect to the possession, manufacture, distribution, sale, dispensation, importing, exporting or trafficking of illicit drugs are set forth in the Federal Sentencing Guidelines. 18 U.S.C. § 2D1.1 et seq. The minimum punishments under federal law are severe and generally must be applied without consideration of any extenuating circumstances. In addition, sentences may be lengthened if there was an abuse of a position of trust or use of a special skill in committing the offense.

## STATE LAW

### 1. Alcohol

- a. Furnishing alcoholic beverages to persons under 21 years of age. O.C.G.A. § 3-3-23(a)(1) and § 3-3-23.1 (b). Persons convicted for this offense shall, on the first conviction, be guilty of a misdemeanor<sup>1</sup> unless the violator has acted as purchasing agent for the underage drinker. In such cases, and for second and subsequent convictions, the violator is guilty of a misdemeanor of a high and aggravated nature<sup>2</sup>.
- b. Possession of alcohol by persons under 21 years of age. O.C.G.A. § 3-3-23(a)(2) and § 3-3-23.1(b), (c). A first conviction for this offense is a misdemeanor, punishable by not more than 6 months imprisonment or a fine of no more than \$300, or both. However, the court may place the offender on probation and require the completion of a rehabilitation program. Upon fulfillment of the terms and conditions of probation, the court shall discharge the offender and dismiss the charge. THIS OPTION IS AVAILABLE FOR THE FIRST OFFENSE ONLY AND IS AT THE DISCRETION OF THE COURT. Second and subsequent convictions constitute misdemeanors of a high and aggravated nature.
- c. Misrepresentation of age by persons under 21 years of age. O.C.G.A. § 3-3-23(a)(3) and § 3-3-23.1(b), (c). First-time offenders are guilty of a misdemeanor; however, the probation option described in (b) above may be utilized. Second and subsequent offenses are misdemeanors of a high and aggravated nature.
- d. Driving under the influence of alcohol or drugs. O.C.G.A. § 40-6-391. A person convicted of driving under the influence of alcohol or drugs faces the following penalties under Georgia law:
  - i. A first conviction (with no conviction or plea of nolo contendere during the previous five years) constitutes a misdemeanor and carries a penalty of a fine no less than \$300 nor greater than \$1,000; imprisonment for no fewer than 10 days, but no more than 12 months; and no fewer than 40 hours of community service. The fine generally cannot be suspended. All but 24 hours of the jail time and 20 hours of community service may be suspended if the violator's blood alcohol concentration was less than .08 percent alcohol by volume. In addition, the violator must attend DUI school. Finally, the violator will be placed on probation for 12 months minus credit for jail time served.
  - ii. A second conviction within a five year period is a misdemeanor, punishable by a fine of no less than \$600 but no more than \$1,000; imprisonment for no fewer than 90 days nor more than 12 months; and no fewer than 80 hours of community service. Again, the fine generally cannot be suspended. All but 48 hours of jail time can be suspended. One half of the community service can be suspended if the blood alcohol concentration was less than .08 percent alcohol by volume. Second-time offenders must attend DUI school, be clinically evaluated for rehabilitation/treatment possibilities and must remain on probation for 12 months minus credit for jail time served.
  - iii. A third or subsequent conviction within a five year period is a high and aggravated misdemeanor and is punishable by a fine of no less than \$1,000 nor more than \$5,000; a jail term of no fewer than 120 days nor more than 12 months; and no fewer than 20 days of community service. The fine cannot generally be suspended. At least 10 days in jail must be served. The judge can suspend all but 40 hours of community service if the blood alcohol concentration is less than .08 percent alcohol by volume. Completion of DUI school, a rehabilitation/treatment evaluation and 12 months probation, minus jail time served, are required.

### 2. Drugs

State law forbids the possession, manufacture, delivery, distribution, dispensation, administration, sale or possession with intent to distribute of marijuana or controlled substances<sup>3</sup>. O.C.G.A. § 16-13-30.

#### a. Possession offenses carry the following penalties:

##### i. Marijuana -

- A. Less than once ounce – Classified as a misdemeanor and punishable by a fine of up to \$1,000 or imprisonment not to exceed 12 months, or both, or public works not to exceed 12 months. O.C.G.A. § 16-13-2.

- B. One or more ounces – Classified as a felony and punishable by imprisonment of one to 10 years. O.C.G.A. § 16-13-30.
- ii. Controlled substances – Possession of a controlled substance is a felony and punishable according to the classification of the substance (i.e., the schedule). Penalties range from two to 30 years imprisonment. O.C.G.A. § 16-13-30.
  - A. Manufacture, delivery, distribution, dispensation, administration, sale or possession with intent to distribute.
    - 1. Marijuana - The offense is a felony and punishable by one to 10 years imprisonment. O.C.G.A. § 16-13-30(j).
    - 2. Controlled substances - Depending upon the classification of the substance (i.e., the schedule), penalties range from one to 30 years imprisonment. O.C.G.A. § 16-13-30(d), (h).
  - B. Trafficking in marijuana or controlled substances. This offense is a felony and, depending upon the amount of the illegal substance, includes penalties not to exceed \$1,000,000; imprisonment of five to 25 years, or both. O.C.G.A. § 16-13-31.
  - C. Driving while under the influence of drugs. See Section 1(d) above.

## G. SUBSTANCE SCREENING

While not required by federal law or regulations, Life University has established the following policy: For purposes of assuring compliance with the above, all employees and applicants for employment may be subject to substance screening if probable cause exists by reason of their actions or conduct. "Substance screening" means testing blood, urine, breath, saliva or otherwise as reasonably deemed necessary to determine possession or impairment, and the completion of a substance questionnaire.

## FOOTNOTES

1. Generally, a misdemeanor is punishable by a fine of not more than \$1,000 or by confinement for no more than 12 months, or both. O.C.G.A. § 17-10-3.
2. A misdemeanor of a high and aggravated nature is punishable by a fine of not more than \$5,000 or confinement of up to 12 months, or both. O.C.G.A. § 17-10-4.
3. State law divides controlled substances into five schedules, which can be found at O.C.G.A. §§ 16-13-25 to 16-13-19. Schedule I includes various opiates, opium derivatives, hallucinogenics and stimulants. Schedule II includes opium, cocaine, amphetamines and certain depressants. Schedules III and IV include stimulants and certain depressants. Schedule V lists various narcotics.

## [HTTP://WWW.LIFE.EDU](http://www.life.edu)

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